IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4130 of 1990

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

ARJANBHAI NAGABHAI

Versus

G S R T C

Appearance:

1. Special Civil Application No. 4130 of 1990

NOTICE SERVED for Petitioner No. 1

MR HARDIK C RAWAL for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 05/08/2004

ORAL JUDGEMENT

1.0 The petitioner herein has challenged the award dated 25/11/88 passed by the Labour Court, Rajkot in

Reference (LCR) No.971/1988, whereby the reference of the petitioner was dismissed.

2.0 Though Notice was served, neither the petitioner nor anyone on his behalf has appeared in the matter. Therefore, the matter was heard on merits today.

3.0 The petitioner herein was working as a Badli Kamdar on temporary basis. He remained absent from his duties from 24/08/86, without any leave report or intimation. By registered post dated 06/10/86 the petitioner was directed to report for duty. The said letter was received by the petitioner on 20/10/86, but the petitioner neither replied to the said letter nor reported to duty.

3.1 As the petitioner had proceeded on leave without the prior permission of the respondent Corporation, the name of the petitioner was removed from the waiting list of Conductors on 05/03/87. Feeling aggrieved by the aforesaid action of the respondent Corporation, the petitioner preferred reference before the Labour Court, Rajkot which was dismissed by order dated 25/11/88. Hence, this petition.

4.0 Mr.Hardik C Raval learned advocate for the respondent Corporation has submitted that the petitioner was a Badli worker and that he had remained unauthorisedly absent from duty with effect from 02/08/86. The petitioner had submitted the medical report subsequently only. Thereafter, the petitioner remained continuously absent from 24/08/86.

4.1 Mr.Raval has further submitted that in spite of letter dated 15/10/86 and show cause notice dated 02/02/87, the petitioner did not resume his duties. Therefore, his name was deleted from the waiting list of Conductors by communication dated 05/03/87. In that view of the matter, no interference is called for in this petition.

5.0 For the foregoing reasons, the petition is dismissed. Rule discharged with no order as to costs.

(K. S. Jhaveri, J.)

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